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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/527,914	03/16/2005	Rainer Heller	2002P11020WOUS	9070
7590 09/24/2007 Siemens Corporation Intellectual Property Department 170 Wood Avenue South Iselin, NJ 08830			EXAMINER WU, JUNCHUN	
			ART UNIT 2191	PAPER NUMBER
			MAIL DATE 09/24/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/527,914

Applicant(s)

HELLER ET AL.

Examiner

Junchun Wu

Art Unit

2191

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>3/16/2005 & 6/20/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-20 are cancelled.
2. Claims 21-41 are pending in this application.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claim 21 and 39 are rejected under 35 U.S.C. 101 because claim 21 fails to claim a program or software recorded on a machine-accessible medium so as to be structurally and functionally interrelated to the medium and permit the function of the descriptive material to be realized. Thus, claim 21 and 39 should be rejected as non-statutory.
5. Claims 22-28 and 40-41 are dependent of claims 21 and 39 respectively, so they are rejected as the same reasons as above.
6. Claims 36-38 are rejected under 35 U.S.C. 101 because claim limitations are directed towards software/code per se. A claim fails to recite any hardware/code features to enable the software to act as a computer component and realize any functionality. The claimed invention is directed to non-statutory subject matter.

Claim Rejections - 35 USC § 102

7. Claims 21-25, 27-28, 37 and 39-41 are rejected under 35 U.S.C. 102(b) as being anticipated by Wong-Insley (US Patent No.6, 131,166).

8. Per claim 21

Wong-Insley discloses

A system for providing a device-independent functionality for automation devices, the system comprising:

- first mechanisms for encapsulating specific functions of at least one automation device and for providing a base functionality of the automation device (col.9 lines 44-51 *"In a preferred embodiment, the Java™ application-level power management framework comprises a set of standardized, system-independent system power states, a set of standardized device power states which is inherited from an industry standard, a set of well defined power state transitions, and a set of programming interfaces (i.e., APIS) for power management which provide a channel for applications to participate in power management."*; In the object-oriented programming like the Java™, all the variables and methods within an object is referred to as encapsulation.).
- second mechanisms, superimposed on the first mechanisms, for providing a general functionality and/or automation functionality (col.9 line 64 – col.10 line 3 *"The Java™ API 252 comprises all of the API sets available to the applications 232: the Java™ Base API 226, optionally the Java™ Standard Extension API 230, and additional APIs. The Java™ API 252 also encompasses the Java™ Power Management API or APIs 262, the*

programming interfaces between applications 232 and the Java™ Virtual machine.”; All the APIs provide different functionalities for the devices.).

9. Per claim 22

the rejection of claim 21 is incorporated and Wong-Insley discloses

- the first mechanisms are designed as automation-device-specific adapters (col.9 lines 5-8 *“The porting interface 220 and adapters 216a, 216b, and 216c enable the Java™ Virtual Machine 222 to be easily ported to new computing platforms without being completely rewritten.”*).

10. Per claim 23

the rejection of claim 21 is incorporated and Wong-Insley discloses

- the second mechanisms are designed so as to be independent of a device (col.16 lines 13-15 *“The power management APIs thus enable Java™ application to participate in power management in a standardized, cross-platform manner.”*).

11. Per claim 24

the rejection of claim 21 is incorporated and Wong-Insley discloses

- the system is provided for use by a development system for developing control software (col.4 lines 63-66 *“As used herein, a programming interface is an application programmer interface or API: a set of routines, protocols, methods, variables, tools, and/or other resources for building software applications.”*).

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12. Per claim 25

the rejection of claim 21 is incorporated and Wong-Insley discloses

the system is provided for providing technological objects for automation devices (col.18 lines

14-17 *“There should only be one SystemPowerMonitor object in a system. The constructor of SystemPowerMonitor, which creates the instance of the sole SystemPowerMonitor object and prevents the instantiation of another instance”*).

13. Per claim 27

the rejection of claim 21 is incorporated and Wong-Insley discloses

- the system is adapted for using the Internet and/or an intranet for transmitting data (col.8 lines 6-8 *“Typically, applets are embedded in a Web page, downloaded over the Internet from the server, and run on a client machine.”*).

14. Per claim 28

the rejection of claim 21 is incorporated and Wong-Insley discloses

- an automation- specifically designed programming language is used for developing control software for the system (col.3 lines 14-16 *“In one embodiment, the invention comprises one or more Java™ programming interfaces or APIs which permit Java™ applications to participate in power management.”*).

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15. Per claim 37

the rejection of claim 36 is incorporated and Wong-Insley discloses

- the programming language is provided as an intermediate language for automation languages, as a target language of development systems, and for mapping on to the first mechanism on an automation device as a target platform (col.3 lines 40-47 “*A developer may map the system-independent power states to the system-dependent power states of the underlying computer system...*”).

16. Per claims 39-41

- They are automation device claims corresponding to the system claims 21-23 respectively and are rejected the same reason set forth in connection of the rejection of claims 21-23 above.

Claim Rejections - 35 USC § 103

17. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

18. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wong-Insley, in view of Backer et al. (U.S. Pub. No. 20020073094 hereinafter “Backer”).

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19. Per claim 26

the rejection of claim 21 is incorporated

But Wong-Insley does not disclose

- a memory for storing automation solutions for recurring tasks.

However, Becker discloses

- a memory for storing automation solutions for recurring tasks ([0031] “*Simple creation of reusable solutions-The developer of the automation solution can create a reusable model by means of visual programming.*”).
- Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify teaching of Wong-Insley with the teachings of Becker to include a memory for storing automation solutions for recurring tasks in order to reduce the maintenance expenditure ([0033]).

20. Claim 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wong-Insley, in view of Hammond (U.S. Patent No.6, 336,118 B1).

21. Per claim 38

the rejection of claim 37 is incorporated

But Wong-Insley does not disclose

- compilers are provided for mapping the programming language onto the target platform.

However, Hammond discloses

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- compilers are provided for mapping the programming language onto the target platform (col.3 lines 33-36 “*The client utilizes the data type defined in IDL through a language mapping. This mapping defines the programming language constructs (data types, classes, etc.) that will be generated by the IDL compiler supplied by an ORB vendor.*”).
- Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify teaching of Wong-Insley with the teachings of Hammond to include compilers are provided for mapping the programming language onto the target platform in order to utilize at run time with the assurance that there will be no interaction mismatches (col.3 lines 50-56).

22. Per claims 29-36

- They are method claims corresponding to the system claims 21-28 respectively and are rejected the same reason set forth in connection of the rejection of claims 21-28 above.

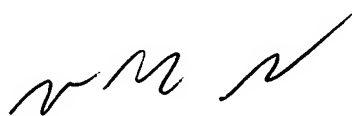
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Junchun Wu whose telephone number is 571-270-1250. The examiner can normally be reached on 8:00-17:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wei Zhen can be reached on 571-272-3708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JW



WEI ZHEN
SUPERVISORY PATENT EXAMINER